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Attorney for Defendant, JOHN B. SPEAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AUDREY McNAMARA NEVIS) Case No. C -07-2568 MHP
Plaintiff)
v.) REQUEST FOR DISMISSAL
WELLS FARGO BANK, EXECUTIVE FINANCIAL)
LENDING, INC., JOHN B. SPEAR, SHAI MOSHE,)
GATEWAY TITLE COMPANY, QUALITY LOAN)
SERVICES CORP.)
DOES 1 through 100, inclusive)
Defendants)
WELLS FARGO BANK, N.A.)
Cross complainant)
v.)
EXECUTIVE FINANCIAL LENDING, INC., a California)
Corporation, JOHN B. SPEAR, an individual,)
SHAI MOSHE, also known as EDISON MOSHE,)
an individual)
Cross defendants)

REQUEST FOR DISMISSAL - COUNTER CLAIM

AUDREY McNAMARA NEVIS - only

1
 2
 3 JOHN B. SPEAR, an individual)
 4 Counter Claimant)
 5 v.)
 6 AUDREY McNAMARA NEVIS,)
 7 WELLS FARGO BANK)
 SHAI MOSHE)
 8 Counter Defendants)

9 COMES NOW the Counter-Claimant, JOHN B. SPEAR, in the above-entitled action and
 10 hereby dismisses, without prejudice, the First Claim for Relief against Counter Defendant
 11 AUDREY McNAMARA NEVIS, the Second Claim for Relief against Counter Defendant
 12 AUDREY McNAMARA NEVIS, the Third Claim for Relief against Counter Defendant
 13 AUDREY McNAMARA, and the Fourth Claim for Relief against Counter Defendant AUDREY
 14 McNAMARA. Except as specifically dismissed, the balance of the Counter Claim shall remain
 15 as stated.
 16

17 This dismissal is made pursuant to Rule 41(a) or (c) of the Federal Rules of Civil
 18 Procedure.
 19

Dated: July 7, 2008



20
 21 Robert A. Clinco, Attorney for Plaintiff
 22 John B. Spear
 23

REQUEST FOR DISMISSAL - COUNTER CLAIM

AUDREY McNAMARA NEVIS - only

PROOF OF SERVICE

County of Los Angeles)
) ss
State of California)

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within action; by business address is 821 Appelby Street, Venice, California 90291.

On the 8th day of July, 2008, I served the within documents on the interested parties by placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid, in the United States Mail at:

Santa Monica, California

Los Angeles, California

Marina del Rey/Playa Vista, California

addressed as follows:

See attached service list

Documents served: Request for Dismissal – Audrey McNamara Nevis – Counter
Defendant

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of July, 2008, at Venice, California.


Robert A. Cline

REQUEST FOR DISMISSAL - COUNTER CLAIM

AUDREY McNAMARA NEVIS - only

1 SERVICE LIST – 6-30-08

2 NEVIS v. WELLS FARGO 07-cv-02568 – MHP

3 Ms. Shirley Hochhausen
Community Legal Services
2117-B University Avenue
East Palo Alto, CA 94303

4 Plaintiff

5 Ms. Brooke Elizabeth Thacher
6 Mr. Paul Sitner Cohen
7 Legal Aid of Marin
8 30 N. San Pedro Rd., Suite 220
9 San Rafael, CA 94903

10 Plaintiff

11 Mr. Robert F. Kane
12 Law Office of Robert F. Kane
13 870 Market Street, Suite 1128
14 San Francisco, CA 94102

15 Plaintiff

16 Mr. David Carlyle Powell
17 Ms. Heather B. Hoesterey
18 Reed Smith LLP
19 Two Embarcadero Center, Suite 2000
San Francisco, CA 94111

20 Defendant, Wells Fargo Bank

21 Mr. Lee P. Bardellini
22 Ms. Helen Powers
23 Bardellini, Straw & Cavan LLP
24 2000 Crow Canyon Place, Suite 330
25 San Ramon, CA 94583

Defendant, Gateway Title

26 Mr. Daniel Joseph Goulding
27 Mr. David C. Scott
28 McCarthy & Holthus, LLP
29 1770 Fourth Avenue
30 San Diego, CA 92101

31 Defendant, Quality Loan

32 REQUEST FOR DISMISSAL – COUNTER CLAIM

33 AUDREY McNAMARA NEVIS – only